

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

STEVEN McMILLEN, SR.,)
Register No. 506657,)
)
)
Plaintiff,)
)
)
v.) No. 04-4192-CV-C-NKL
)
)
DR. LAMOUR,)
)
)
Defendant.)

ORDER

On April 13, 2005, the United States Magistrate Judge recommended denying plaintiff's motion for leave to amend to add Correctional Medical Services (CMS) as a defendant. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C).

The court has conducted a de novo review of the record, including plaintiff's motion to stay the recommendation, citing the need for further discovery.

Plaintiff's motion to stay is denied. The court is persuaded that the recommendation of the Magistrate Judge is correct and should be adopted. CMS was previously dismissed from this case on December 30, 2004, for failure to state a claim; therefore, plaintiff's motion to amend is denied.

IT IS, THEREFORE, ORDERED that plaintiff's motion to stay the April 13, 2005, recommendation of the Magistrate Judge is denied [26]. It is further

ORDERED that plaintiff's motion to amend his complaint to add Correctional Medical Services as a defendant is denied [24, 25].

/s/

NANETTE K. LAUGHREY
United States District Judge

Dated: June 21, 2005
Jefferson City, Missouri